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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,972	03/07/2002	Klaus Kursawe	CH920000068US1	9293
48915	7590	03/09/2006	EXAMINER	
CANTOR COLBURN LLP-IBM YORKTOWN			ALPERT, JAMES M	
55 GRIFFIN ROAD SOUTH			ART UNIT	
BLOOMFIELD, CT 06002			PAPER NUMBER	

3624

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,972

Applicant(s)

KURSAWE, KLAUS

Examiner

James Alpert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7 and 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following communication is in response to Applicant's amendment filed on 12/27/2005.

Status of Claims

Claims 9,14 are original. Claims 1,6,11-13 are currently amended. Claims 2,4-5,7,10,15-20 are previously presented. Claims 3,8 are cancelled. Claims 1-2,4-7,9-20 are therefore currently pending.

Response to Arguments

Applicant's arguments filed 12/27/2005 have been fully considered. **With regard to the rejection under 35 U.S.C §112**, Applicant's amendment to the claim is sufficient to clarify the claim, and the rejection is hereby withdrawn. **With regard to the rejection under 35 U.S.C §103**, Applicant's amendments have altered the scope of the claims. As a result, a new ground of rejection is detailed below, and Applicant's request for allowance is respectfully declined.

Claim Rejections - 35 USC § 103

Claim 1-2, 4-7 & 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao, et al, U.S. Patent #5878337, in further view of Camacho et al, U.S. Patent Application Publication #2003020684, and further in view of Stoutenberg et al, U.S. Patent #6827260.

With regard to Claims 1,11,12,13 Camacho teaches the first limitation of the method, medium and computer program product and system comprising:

comparing an actual value (a) with a preset parameter at an account server, the preset parameter defined by the account holder; (Page 4, Para. 42)

Joao teaches the other two limitations of the method and medium comprising:

deriving the information (Z) in response to a transaction (n) that influences the actual value (a), the transaction (n) occurring between an account user and a purchasing entity; and (Col. 5, lines 40-51)

providing the information (Z) to the account holder through the device, the device associated with the account holder. (Col. 6, lines 4-32).

It would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the teachings of Joao, relating to transmitting transactional status and information, to an account holder for authentication, with the teachings of Camacho, relating to a method for comparing current transactional information with previously submitted rules at a central server. The motivation for such a combination is to take the benefit of Joao in getting prior authorization, but centralize the decision-making regarding parameter matching. This way decision about whether to authenticate a potential purchaser in a transaction can be made very quickly by the stronger computers in the central location, as opposed to a remote device. This system would be able to handle a large number of transaction requests than otherwise.

Joao does not disclose the method wherein:

the information (Z) includes an account balance.

However, in an analogous application, Stoutenberg teaches this limitation at (Col. 33, lines 43-55), which discusses transmitting an account balance as part of a POS transaction. Modifying Joao, so as to additionally transmit account balance to a cardholder, as described in Stoutenberg, would be obvious to one of ordinary skill in the

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art. The motivation for such a combination is within the knowledge generally available to one of ordinary skill in the art, and is simply to quantify data sufficiently in order to make quick decision regarding possible fraudulent activity. That is to say, in addition to providing indicators regarding a limit or geographic region, account balance can be quantifiable so as to create an immediate reaction in the cardholder. Further, additional motivation is found in the fact that the cardholder may want simple notice about an account balance in order to keep better control of spending by authorized users.

With regard to Claim 2, Joao teaches the method comprising:

transmitting the information (Z) via the network and receiving the information (Z) by the account holder via the device. (Col. 7, lines 14-29)

With regard to Claims 4,16,18 Joao teaches the method, medium and system wherein:

the preset parameter comprises a limit. (Col. 7, lines 49-64)

With regard to Claims 5,17,20 Joao teaches the method, medium and system wherein:

the preset parameter comprises a geographic region. (Col. 7, lines 49-64)

With regard to Claim 6, Joao teaches the method further comprising:

the step of setting multiple different parameters for contemporaneous use. (Col. 7, lines 49-64)

With regard to Claim 7, Joao does not expressly teach the method wherein:

the step of receiving the information (Z) comprises rendering the information (Z), the rendering including confirming a personal identification number assigned to the account holder.

However, Camacho teaches this limitation at (Page 8, Para. 76). A pass-phrase or personal identification number is an obvious modification to Joao. The motivation for such a modification is add even further security to the system in the event that the device associated with the account holder is lost or stolen.

With regard to Claim 9, Joao does not expressly teach the method wherein:
the step of receiving the information (Z) comprises requesting a password.

However, Camacho teaches this limitation at (Page 8, Para. 76). A pass-phrase or personal identification number is an obvious modification to Joao. The motivation for such a modification is add even further security to the system in the event that the device associated with the account holder is lost or stolen.

With regard to Claim 10, Joao teaches the method wherein:
the step of transmitting the information (Z) via the network and receiving the information (Z) by account holder via the device comprises a wireless communication technique.
(Col. 4, line 62 – Col. 5, line 2)

With regard to Claim 14, Joao teaches the system wherein:
the device is a mobile device. (Col. 4, line 62 – Col. 5, line 2)

With regard to Claims 15,19 Joao teaches the method and system wherein
the limit is a spending limit. (Col. 7, lines 49-64)


Conclusion

Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Alpert whose telephone number is (571) 272-6738. The examiner can normally be reached on M-F 9:30-6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.


James M. Alpert
March 6, 2006

VINCENT MILLIN
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